

## PART 202

## EMISSIONS TESTING, SAMPLING AND ANALYTICAL DETERMINATIONS

(Statutory authority: Environmental Conservation Law, §§ 3-0301, 19-0301, 19-0303)

Sec.	Sec.
202.1 Required emissions tests	202.4 Separate stack tests by the commissioner
202.2 Notification	202.5 Prohibitions
202.3 Acceptable procedures	

Section 202.1 Required emission tests. For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

202.2 Notification. A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

202.3 Acceptable procedures. (a) Emission testing, sampling and analytical determinations to ascertain compliance with this Subchapter shall be conducted in accordance with test methods acceptable to the commissioner. The Reference Methods contained in Part 60, Appendix A and Part 61, Appendix B of Title 40 of the Code of Federal Regulations and all future technical revisions, additions, or correction made thereto shall be considered as acceptable test methods for those sources and contaminants for which they are expressly applicable, except where the commissioner has issued a specific method to be used instead of a Reference Method contained in these Federal regulations or where the commissioner determines that one or more alternate methods are also acceptable. The person who owns or operates an air contamination source shall submit the emission test report, in triplicate, to the commissioner within 60 days after completion of the tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

(b) Alternative emission test methods or deviations from acceptable test methods may be acceptable to the commissioner if the character of the test site or the emissions make it impractical to utilize acceptable test methods or where no applicable test method is available. In such cases, the source owner/operator shall secure prior acceptance by the commissioner of any proposed alternative emission test method. Requests for such prior acceptance shall include justification for substituting the alternative emission test method.

202.4 Separate emission tests by the commissioner. (a) For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the Commissioner may conduct separate or additional emission tests on behalf of the State. Any person who owns/operates an air contamination source, when requested by the commissioner, shall operate the source in the manner specified by the commissioner, for the purpose of obtaining valid test data and, where possible, shall provide sampling holes, scaffolding and other pertinent allied facilities required for emission testing. Such person shall bear the costs of such facilities.

(b) If a person who owns an air contamination source fails to provide sampling holes, scaffolding and other pertinent allied facilities required for emission testing, the commissioner may then provide such facilities, and such person shall bear the costs.

202.5 Prohibitions. No person shall conceal an emission by the use of air or other gaseous diluents (diluting agents) to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.